

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HECTOR BOSSIO,

Plaintiff,

v.

WARDEN SPAULDING, *et al.*,

Defendants.

No. 4:20-CV-1777

(Chief Judge Brann)

**ORDER**

**SEPTEMBER 9, 2021**

In accordance with the accompanying Memorandum Opinion, **IT IS  
HEREBY ORDERED** that:

1. Defendant's motion to dismiss<sup>1</sup> is **GRANTED**;
2. Plaintiff's complaint is **DISMISSED** with prejudice in its entirety;
3. Plaintiff's motion for leave to file a brief out of time<sup>2</sup> is  
**DISMISSED** as moot;<sup>3</sup>
4. Plaintiff's motion to compel<sup>4</sup> is **DISMISSED** as moot;
5. The Clerk of Court is further directed to **CLOSE** this case;

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<sup>1</sup> Doc. 18.

<sup>2</sup> Doc. 17.

<sup>3</sup> By Order dated December 10, 2020, Plaintiff's motion for preliminary injunction was withdrawn for Plaintiff's failure to file a brief in support. (Doc. 16). Because Bossio has failed to prevail on the merits of the instant civil right action, his motion for preliminary injunction is meritless. As such, Plaintiff's motion to file a brief out of time is unnecessary.

<sup>4</sup> Doc. 27. The Court notes that Bossio's April 13, 2021 motion to compel has never been properly supported by the filing of a brief in support, as is required by M.D. Pa. Local Rule 7.5.

6. Any appeal from this Order is deemed frivolous and not in good faith.

*See* 28 U.S.C. § 1915(a)(3).

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge